



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMPLAINT TO THE COMMISSIONER

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Commissioner of Patents  
Washington, D.C. 20231

JAN 25 2001

Sir:

TO 3600 MAIL ROOM


I am in receipt of a decision nominally mailed JAN 3 2001 styled, REQUEST TO RESET THE PERIOD FOR REPLY DUE DATE DUE TO A LATE POSTMARK, Paper No 18, itself enclosed in an envelope mailed (postmarked) later than the nominal mailing date, on Jan. 4th, in connection with patent application No. 09/172,577 (Group 3600). The said Paper No. 18 denied a request to reset the period for response owing to a late mailing of Nov. 26th in comparison to the nominal mailing date of Nov. 21, 2000.

Again, as I have done in years past, I must complain about the lateness of actual mailings from the mail room in comparison to the nominal mailing dates on official papers. It is, of course, the nominal mailing date against which due dates run, and, over and over again, the actual mailing dates are late in comparison to the nominal mailing dates. In the particular case which engendered the present complaint, the Office action was late by nearly a week, and yet, the Director of Group 3600 refused to reset the period for response, as routinely done in years past in other cases, citing MPEP 710.26. RECEIVED JAN 23 2001 MAIL ROOM

You would have applicants, agents and attorneys be honest about the mailing dates of their replies under 37 CFR 1.8, and rightly so. You, however, are being routinely dishonest about your mailing dates, and this detrimental to the applicants.

I would suggest that you clean house at the mailing room, and, in the process, hire personnel who would make the actual mailing dates coincide with the nominal mailing dates not as an exception, as in the several years past, but as a matter of routine. In addition, I would suggest that you revisit your in-house examining guide, the MPEP, and correct this inequity in patent practice with all due speed so that those who may follow this guide may become more fair in their actions.

Respectfully,

  
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Dated: January 8, 2001 A.D.